

Annie Borton:...and how do you think having a case manager benefits?

Toni Lopez: When I came onto this case, I had my assumption once I spoke to Valentin, I kind of gave it like a, you know, he was agreeable to expanding visits but then he wouldn't follow through. So, all of that stuff. So, kind of assessing like what his understanding was. I had asked Jason if you had gone over... I don't remember what the timelines are called? /4?

[Crosstalk 00:00:27]

Jason Pierson: [Inaudible 00:00:27].

Toni Lopez: Ask for the timeline. He's like, "Yes, I had this conversation with dad like 6 months ago," with an interpreter.

Annie Borton: What is that, real quickly?

Jason Pierson: Sure. Just the fact that that there are timelines associated with these kinds of cases where if a child has been in care 15 out of 18 months, 18 out of 22 months, [Inaudible 00:00:49] where the court has to look at changing the plan from reunification to something other than reunification which can be guardianship, can be adoption, can be [Inaudible 00:01:07], fit and well relative or something along those lines. I had gone over those timelines with Valentin but again, that was prior to Toni's involvement and a lot of the answers and responses that I got was, "Yes." Do you understand? "Yes, of course," because Valentin is an incredibly agreeable guy. But then Toni got involved and I think that the perspective changed a little bit.

Toni Lopez: I asked Jason if we could revisit that conversation with him because looking back now, I think that he was still kind of seeing me as part of the system and he was just being agreeable with me. We sat down and we went over the timelines and also what the outcomes of this case could be to resolve it. So, what that contact would be. We had to sit down and have a heart to heart, are you able to parent the child? Is this what you want? These are the other options. We talked about guardianship. He definitely was not agreeable to adoption in any way. Really getting him to understand that we are not here to dictate that you should parent your child and this is how it should be. It has to be something that is going to be sustainable for him that he's going to be able to do and we are here to move his plan forward, whatever he decided what the best outcome for his family. For a minute, we did talk a little bit about guardianship because he was here on his own.

Thankfully, his wife was able to reunite with him here in the States. That made this, like a reunification more sustainable for him. But really getting him to

understand that we are not going to judge him if he says, "I cannot do this. I cannot parent this child. What is my other option?" Really getting him comfortable and not feeling guilt about our judgment because we're not here to judge. We're here to move your case forward.

Annie Borton: Ultimately, Lucy came home.

Toni Lopez: Yes.

Annie Borton: Can you tell us, Valentin, a little bit about Lucy? Does she have a lot of personality?.

Ian Griffin: Yes.

Annie Borton: Yeah. I think I've only briefly talked with these folks but from what I can tell, she has a very strong will. How old is she now? Five?

Ian Griffin: She's about to turn six.

Annie Borton: Okay. In these photos, can you tell us a little bit about these photos that are up here. What was the first?

Valentin Rosales: [Foreign Language 00:03:41].

Ian Griffin: That was during last year's birthday.

Annie Borton: Did she dress as anybody?

Ian Griffin: [Foreign Language 00:03:49].

Valentin Rosales: [Foreign Language 00:03:50].

Ian Griffin: Yes, the princess from Frozen.

Annie Borton: What about the second? That's you and her here?.

Valentin Rosales: [Foreign Language 00:04:04].

Annie Borton: What about the third one? It looks like the third one [Inaudible 00:04:08].

Valentin Rosales: [Foreign Language 00:04:08].

Ian Griffin: Right there we're aquarium, our family together.

Annie Borton: Is that your...? Who else is in the photo?

Valentin Rosales: [Foreign Language 00:04:19].

Ian Griffin: That is my son, my daughter and my wife.

Annie Borton: How is Lucy's Spanish?.

Valentin Rosales: [Foreign Language 00:04:29].

Ian Griffin: She knows quite a bit already now.

Annie Borton: Yeah. Is there anything else that you would like to share with the court about your experience with your team here?

Ian Griffin: [Foreign Language 00:04:43].

Valentin Rosales: Well, right here.

Ian Griffin: [Foreign Language 00:04:50]. I thought very good to the attorney. And then when I switched over because I don't speak very much English and would not have much communication as he already stated it.

Valentin Rosales: [Foreign Language 00:05:13].

Ian Griffin: Yeah. But then they assigned her and then I got more excited about it.

Valentin Rosales: [Foreign Language 00:05:26].

Ian Griffin: Yes. She helped me out just an entire...just a whole lot.

Valentin Rosales: [Foreign Language 00:05:31].

Ian Griffin: Since she came in, the case changed. I felt much more comfortable. I felt better.

Annie Borton: Thank you. Do you guys have anything else to add or anything you want this commission to hear?

Valentin Rosales: I want to say something about Lucy.

Annie Borton: Oh, yeah, please.

Toni Lopez: The first weekend that Lucy had with them, I made myself available to translate for them if they needed to call me if they were not understanding her. The first

day that we did it, she was trying. She wanted something specific and they just were not understanding her. They called me and put her on speaker and I was talking to her. The next day, she was having trouble and she like, "Call that lady." She's like, "Call her."

[Laughter]

Annie Borton: She caught on real quick. How old was she then?

Toni Lopez: She was four.

Annie Borton: Does anybody have any questions or anything they'd like to say?

Jennifer Nash: I just really... I'm having trouble getting... I know I should not be having trouble with this but I cannot understand how there can be a DHS case worker in this case that did not speak Spanish and was not culturally appropriate for this case. How? And then how the judge could find that there are reasonable efforts that were made if that was the circumstance. I just...

[Crosstalk 00:07:02]

Jason Pierson: We were just talking that because I'm based out Klamath Falls and we have a dedicated Spanish speaker in Klamath Falls. I mean, it is quite shocking and to be honest... I think that Toni was a great go-between. I think the reality of the situation is sometimes times DHS will rely somewhat on the PCRCP case managers to do some of what they are really required to be doing. The courts I think really need to be educated on what happens because of the defense team and the PCRCP case managers in comparison to what is done by DHS. I think that attorneys need to be very well-aware the judges might not understand that sometimes things get done because of the efforts of our PCRCP case managers and not really because of DHS and not to apply the work that is done by the defense team to DHS when they're considering [Inaudible 00:08:20].

Toni Lopez: DHS needs to look at their, like, this the staff that they do have available as more of a resource because in this case, we also we had an SSA that's Spanish. He was great and they could have pulled him into and he knew this case very, very well. So, maybe leaning on that support stuff that they have and just using the people that they have on staff if it's not a case worker. Toward the end of the case, we were having [Inaudible 00:08:44] in Spanish with his family. The coordinator was Spanish-speaking, a Spanish-speaker. When we did our walk through and we were talking about expanding visits, one of the things that the case worker... They pulled that person in and to go with the case worker to the home.

We were talking about expanding contact with Dad and Lucy. One of the things that we had asked for was that that bilingual Head Start. So, an expanding visit that would take her out of school. The caseworker's position of that is we can't do that because that limits her exposure to this bilingual Head Start. I'm like, "No, but it puts her in the home where her family speaks Spanish." The case worker, I was like this is my perception of this, him being Latino, he was like, "Yes, she will pick it up at home." That was that kind of, it was helpful to me for them to have someone on staff that also had my perspective and was able to maybe... It's just a lack of exposure for the case workers, right. It's like this blind spot that they have but really utilizing their staff and having us come in.

Annie Borton: I'm sure that all of us could talk a lot more on this because it's something we're very passionate about but we do have another panel to get here. I want to thank you guys for being here today and presenting. Thank you, Valentin [Inaudible 00:10:00].

Christine Breton: We have one more panelist who's here virtually. There we go. It's ready. Let's get this going. My name is Christine Breton. I'm a Criminal Resource [Inaudible 00:11:09] and counterpart in Multnomah County, the Criminal Resource Counsel. We have a panel here today of the heads of the three major contractors in Multnomah County. That's your public defenders, Multnomah Defenders Incorporated and the Portland Defense Consortium. Full disclosure, I've worked at two of these organizations [Inaudible 00:11:32]. Two of these attorneys have been my direct supervisors in the past. It's our hope that they will be able to give you all some perspective of their practice here in Multnomah County specifically and give you all their impressions on areas of urgency or priority that they hopefully will focus on in your tenure on the commission. I'd first, like to give each an opportunity to give a short introduction of themselves before we get going. I can just start with Jon Sarre here on the left.

Jon Sarre: Good afternoon, commissioners and Chair Nash. My name is John Sarre. I'm an attorney. I'm the administrator of the Portland Defense Consortium. We handle a large amount of major felonies and homicide cases here in Multnomah County. I'm not only the administrator, I also take a pretty much a full caseload. Prior to joining the consortium, I've worked as various capacities throughout the state. I've been a public defender [Inaudible 00:12:35] defenders. I've been in private practice. I've been a sole practitioner, I've been an employee of a law firm. In 20 years or so I've been practicing in Oregon, I've done a large, large chunk of my practice has been public defense cases. Glad to be here address you folks you.

Carl Macpherson: Good afternoon, Cahir Nash, commissioners. My name is Carl Macpherson. I'm the Executive Director of Metropolitan Public Defender. I've been executive director for 5 and a half years of Metropolitan Public Defenders, the oldest

largest provider of public defense services in the state. We have 225 employees, 120 attorneys and 5 main departments. We are the primary provider in Multnomah County Washington County.

We do adult criminal, juvenile work in both and dependency work. We also have a statewide murder team. Very quickly, I've been a criminal defense attorney for 26 years, 22 of them as a public defender. I started in Washington DC at the most well-resourced public defender office of the United States. Then I went to Michigan. I was there before, during and after the transformation that state and then I've been a public defender in Washington County doing major felonies on the capital crime team to FPE. [Inaudible 00:13:50] Then went back to Michigan and built a public defender office and ran the indigent defense system for Marion County, the 8th largest county in the state. Then I came back to [Inaudible 00:13:57].

Grant Hartley: Good afternoon commissioners, Chair Nash. My name is Grant Hartley. I'm the Director of the Multnomah County Office for Adult Criminal for MPD, for Metropolitan Public Defenders. I am definitely the newbie of the group. I graduated from law school [Inaudible 00:14:16] here in 2014. I worked as a certified law student before that at MPD. And then I volunteered at MPD before being hired in 2015. I've worked in all of the criminal units from misdemeanors up the handling murders. In 2019, I took over as the chief of our minor felony unit and in 2021, I took over as the director of the office. I'm relatively new to it but I've practiced in Multnomah County my entire career and at MPD my entire career.

Christine Breton: We do have one panelist who's on the screen. It's Stacey Reding. Unfortunately had a positive COVID test. So, opted to protect everybody and participate remotely today. Do you want to do an introduction.

Stacey Reding: Thank you, Christine. I really regret that I cannot be there in person, Chair Nash and commissioners. My name is Stacey Reding. My pronouns are she/her. I'm the executive director of MDI. Multnomah Defenders is a firm and here in Multnomah County, we have almost 70 employees and about 30 of those are attorneys. We have a criminal department and a juvenile department. We also handle civil commitment appeals. Thank you for giving us the time and space to present to you all today.

Christine Breton: On this panel, we have decades of experience, most of which is here in Multnomah County. To start, [Inaudible 00:15:53] hoping that we want to speak to the major changes that these attorneys have seen in their practice over the duration of their careers in a couple different areas. I'll hand it off to I'll Stacey to start if you want to talk about the clients that you work with and changes that you've seen in your work with them.

Stacey Reding: Absolutely, thank you. I guess I cut my bio a little bit short. I should share that I have been a public defender for my entire career. My career started at MDI January 2nd 2008. Our director at that time was Paul Patterson. Keith Rogers took over later that year. We have seen a lot of changes in our client needs since I first became a public defender. I think we've seen an evolution in public defense and a desire and recognition that we get better results when we represent our clients holistically, that is that our public defense clients often have struggles with being housed, with mental health, with substance use disorder. When as legal offices we can meet those needs, we get better results. I can share that when I was a new public defender, fitness concerns were not raised the frequency that you see them raised in Multnomah County today. I think some of that's changing...

Christine Breton: Can you clarify what you mean by fitness?

Stacey Reding: Oh, yeah. Sorry. All of our clients have a constitutional right to understand what's going on with their case and to work with their attorney and make the decisions for their case. If someone has a qualified mental health disorder and that impedes their ability to, the term we use a lot is aid and assist, to really be the decider of their case, then attorneys have a constitutional and ethical duty to raise fitness and to address that with the courts. When I first became an attorney in Multnomah County, if attorney had fitness concerns, they were raised sort of ad hoc with various judges. My sense of things was just we did not have as many intense mental health needs in our clients then in 2008 that we've seen in the last like 6 years or so. We have to raise fitness concerns. Multnomah County actually created a special docket just to address fitness concerns. We've seen that docket grow and expand over the years.

It's now one and a half, sometimes two days of attorney work just staffing aid and assist cases. Judge Nan Waller has... She runs that docket and she really does a lot of work in advocacy to try to improve mental health resources for our clients but just the workload there for our attorneys has really grown and changed. I personally was the attorney for my office for the aid and assist docket for two and a half. So, I've seen just the number of our clients with acute mental symptoms grow and then also just the prosecution. Our caseloads on that docket have grown over time. Also, expectations for mitigation on every case have changed. I was starting to handle felonies around 2010, 2011. I will say it was not uncommon to resolve lower-level felonies with small mitigation packages. I would say the norm now is that a lot of evaluations are sort of expected by prosecutors. A drug and alcohol evaluation called an ASAM, the American Society of Addiction Medicine, LSCMIs, level of service case management inventories, just mental health evaluations.

Our mitigation workup on our cases has really grown since I first became an attorney and first started handling felony cases. Our use of case managers and social workers has grown. That's been a great thing. We get much better results for our clients when they are connected to services, when they're connected to treatment, to housing when they can get culturally competent care. That's work that we're doing a lot more in our offices now than we were doing when I first became a defender. It's a good thing but it's a huge increase in workload.

Christine Breton: We can speak a bit more on that. I know we just heard from the PCRCP panel and teams about the work of case managers in terms of their teams. I'm wondering if you all can speak to on the criminal side, the need for and access that you all have to case managers. I'll hand that over to you, Grant.

Grant Hartley: Yeah, yeah. I think as Stacey was mentioning, the clientele that we've had has changed dramatically. There's actually a study that was done about the houselessness population in Portland. When I started as I said, I started in paid capacity at entity in 2015. Between 2015 and 2023, it increased 65% in Portland. You add to that the increase of prevalence of mental health and then also with fentanyl and [Inaudible 00:21:48] strain of meth, our clientele is struggling to find basic stability. Stacey mentioned that there's an expectation from the state of more mitigation. Really, a lot of what they're looking for is stability in our clientele. They want to make sure that they are stable in the community before making a probation offer rather than prison offer. A lot of that work has traditionally fallen to find that stability, to search out the scarce resources that are available that are available in the community especially to our clientele.

There was a gap analysis by OHSU that found that Portland had 42% of a gap. In other words, it lacked 42% of the services it needed. What was really missing from that GAAP gap is the services for high ACU and high-risk individuals. People with severe and persistent mental illness with complex combinations of substance use disorder and mental health issues, they are harder to find services for because they require a higher level of care. To navigate our complex service community and try to find those services takes a ton of time. It often involves putting a client on a wait list that will last months meaning that you have to follow up with that service provider over and over and over to make sure that your client is not skipped. That is near impossible when you are handling 70-80 clients.

The influx of case managers has really taken a lot of that work off of our attorneys. We have some in our office but we desperately need more because in order to create that stability, we have to have case managers for all types of cases. Right now, we are kind of limited in the types of cases that we can assign them to. The case managers, I mean, you've all heard what they do in juvenile cases or dependency cases. A lot of those things are the same here. But

something that they really bring is a lot of legitimacy. When we are talking to district attorneys or judges doing settlement conferences, they can come in and talk about not only the services that the person's involved in but also how they are helping them. They're able to learn more about what's going on in the individual's lives and communicate that to the court or the DA and really humanize our clients in a way that we as attorneys try to do but having that additional tool is really invaluable to that advocacy.

Jasmine Wright: Is that case manager helpful for instance when you're developing like a mitigation packet or mitigation strategy?

Grant Hartley: Absolutely, yeah. For mitigation packages in general, also for release plans. A lot of times we'll have clients who are in custody and we need to find not only treatment but housing and get their benefits turned back on. All of those things, case managers are able to do. Again, they can also go to the police hearing and explain to the judge that they are doing all of that and that they will be the person meeting the person, meeting the individual at the jail and taking them to get their benefits from back on, taking them to the treatment. It is really a level of support that goes beyond mitigation but that really is something [Inaudible 00:25:32].

Bob Selander: Where do you recruit for case managers?

Grant Hartley: I think it depends one of some of our case managers are funded through the county and through that, we've done a partnership with an organization called Partners For Justice. They are a national organization that's specializes in placing individuals in public defense offices. And then we also have some through the CJC, JRI funding program, the Multnomah County Justice Reinvestment Program. Those, we did recruitment ourselves for. We have a strong recruitment team. It's really just kind of putting the word out and trying to find where possible individuals, who have lived experience or who come from diverse backgrounds so that they can create that connection with our clients that we just won't be able to.

Christine Breton: Just to clarify, sounds like the case managers that you have for your criminal cases, those are funded from external funds. They don't come from the BDC funding that you contract for?

Grant Hartley: Yeah, that's correct. Yeah. We have funding that we've gotten through advocacy frankly to the Criminal Justice Commission and to the local MCJRP team advocating for the need for defense-based social workers and then also working with the county to enter into this agreement for the partnership justice teams as well. We don't currently have any that are provided from the Oregon Public Defense Commission.

Susan Mandiberg: Can I ask a question about that? Am I correct that you don't have case workers in Washington?

Carl Macpherson: We do have three case managers in Washington County because as a union office and knowing the need for case managers, we made the decision that we had to use some of the funds from OPDC to hire case managers in Washington because it was just simply patently unfair not to have them.

Susan Mandiberg: Before you did that, did you see a difference in how you were able to represent clients in the two counties?

Carl Macpherson: Yes. I mean, it's similar to the differences between PCRCP and non-PCRCP. PCRCP clients are getting a higher quality representation just a fact because the increased number The increased resources. So, yes, the clients that access to case management Services in Multnomah County are getting a higher level of representation because their needs are being met in ways that our clients in Washington County were not.

Susan Mandiberg: And because their lawyers have more time to work on the law?

Carl Macpherson: Yeah, absolutely. Yes. Because it does free up the amount of time. But I want to add this as well real quick is I think there's become an expectation that's the understanding I've heard from our attorneys that the court has kind of an expectation now when we go in for a release hearing that one of our case managers going to be there to kind of explain what that release plan looks like and why it's going to be effective. That is detrimental to the client that doesn't have a case manager because I'm going to presume for the sake of argument that they're not as well-positioned to receive that release if they don't have that service.

Grant Hartley: We've actually just recently had a situation where a judge was considering set over sentencing case meaning that the person entered a guilty plea is set over sentencing for a certain period of time and requiring the individual to do certain things during that time and then if they came back and they did them, the case was dismissed. The individual hadn't completed those things and at sentencing, the judge said if you can get a case manager on this and help this person through it, I will extend that and allow them to still continue through. That's a client who directly benefited from having case manager, right, access to it.

Jennifer Parrish Taylor: I have a question. Hearing about the fitness docket and how that essentially has exploded in terms of just growth and hearing what you all have said now with the implementation of HB 4002, how is this going to impact that and what are

the things that we as commissioners we need to know and prepare for now to try to absorb some of the strain onto the system?

Grant Hartley: Yeah. I mean, I can speak but I was just checking. I don't know if Stacey wanted to jump in. Somebody else want to go? I think what we're going to have with 4002 is significant influx of people into the system. Whenever you have that especially the high acuity... The thing I like to say is the individuals that sort of were the catalyst for the discussion around 110 or around 4002 are the folks who are living on the street, who are struggling day-to-day living on the sidewalk, using fentanyl multiple times per day. When those people enter into the system if they do get a public defender, there are likely to be competency issues. Then we are going to have this new very low-level misdemeanor and we're going to have all of these additional cases that frankly these individual should be getting treatment in the community with services that we lack. But instead, they're going to be placed on this docket and either held in jail, depending on the severity of that charge of what's going on or put into the community with no real services. I think it's going to dramatically expand that docket and frankly, really affect the limited case management resources that we have.

Jennifer Parrish Taylor: So, how should we prepare?

Grant Hartley: Well, more case managers. I think that is a very important thing that I hope the commission is taking away both from hearing from the PCRCP programs but also in the criminal, is we were able to get these case managers through grants. Part of the hope of that was that we could demonstrate the utility of them. I think we've done that both hopefully to this commission but also to the court and to the extent we can to the public because, yeah, they are absolutely essential to our jobs.

Rob Harris: Hi, this is Commissioner Harris speaking, for the record. I'm supposed to say that. I got a question for Mr. Sarre and for Grant as well. John, you may or may not know the complete answer to this but do many of your folks in your consortium request funding for case managers? Do you know how often that happens or is there a case type or can you tell us anything?

Jon Sarre: Well, there needs to be some sort of... Because of our structure, we are a group of small law firms and solo practitioners, it's harder to embed somebody in our in our structure but it's something that has been talked about quite a bit. It's definitely something that we are trying to because it I think it's a problem that's going to get worse should the provision of Measure 337 that gets rid of the consortia ability to contract with the state for services. If we go into kind of panel situation where there's a number of sole practitioners, it's going to have to be something that we're going to have to be able to locate individuals who

can work as case managers and work around potential conflicts. It's both case managers and social workers are things that we'd like to add in into a consortia structure should we continue as we have been or find a way to transition into the panel.

Rob Harris: If you, say the consortia [Inaudible 00:33:42] somebody probably to do that but you do have the ability I think to do that contracting and ask for funding for case management on a criminal case. Is that right, executive director?

Jessica Kampfe: Currently, what's available is people can ask for like hourly. They can fill out a pre-authorized dispatch request and ask to hire a social worker for hourly. I think there's pretty limited resources available under that model but that is available to us. And then as our government relations manager, Lisa Taylor is going to talk about later today, with the passage of House Bill 4002, the legislature did include funding for case managers in public defense. I believe that funding comes online in the beginning of July. There's 22 positions that we could fund starting in July 1 through contracts. Those, we've been thinking a lot about what kind of contracts might be available. Certainly embedding case managers in law firms is an option. And then our PCRCP case managers work both with law firms as well as with consortias. I believe that we'd end up doing contracts with a PCRCP case manager directly with the agency and then they provide case management services within that community to smaller practices like solo firms and that sort of thing. We're looking at what models might be available now.

Rob Harris: Yeah. To the extent the agency can, I would definitely encourage you to let private bar as well have that resource, make it readily offer same services in case appropriate instances.

Jennifer Nash: We have a PCRCP program in Benton County which is a consortium of public defenders office. That's exactly the model. There's contracted case manager and then you call that case manager and say, "Hey, can you work on this case?" I think that that is a model that could work for consortia.

Rob Harris: I agree for adult criminals. I agree. Second question for Carl. Do you feel like having case managers on board or maybe even increase in the case manager resource as has been proposed to us in a six-year or five-year plan, do you think that would increase the number of cases your lawyers could take?

Carl Macpherson: It depends. I think it can increase the number of cases that our attorneys are representing folks on but it depends on what case standards are we going to comply with? Are we going to comply with the legislatively funded Oregon project numbers with the national workload study or are we going to comply with the MAC that's overinflated and too high and in my opinion, unethical.

Washington State Bar just last week determined that you were only going to have 47 felonies or 120 misdemeanours a year. Our caseloads, almost every single attorney in Multnomah County office has higher open caseloads than those right now. That's talking about annually. I'll give you our open caseloads right now later in another section. Do I think case manager will help, yes, but I'm also anticipating body worn camera.

As you know, Mr. Harris, from Washington County, almost every case we have there is body worn camera. Well, that's [Inaudible 00:37:00]. That's two to four hours on average per case that you are ethically required to view. We know from a recent study from OJRC that we had attorneys in the state that weren't even reviewing discovery. When you think about the fact that we have that number of hours of body worn camera that has to be reviewed and we don't have body worn camera yet in Multnomah County and it's coming this summer in fall, I mean, it's an explosion of discovery, an explosion of hours that are required. That's why I'm hedging just a little bit because in theory, yes, but it has to be balanced against what else is coming. Body worn camera coming is a game changer for Multnomah County as you well know. Our caseloads are lower in Washington County than they are in Multnomah because they have to be not just...because body worn camera is one example.

Rob Harris: Quick question follow-up on that. You said the State of Washington adopts some standards. Is that an open caseload model or an assigned caseload model is bigger? Which one misdemeanour?

Carl Macpherson: It is an annual caseload model. Yes.

Rob Harris: Okay. So, it's part of the 120.

[Crosstalk 00:38:00]

Carl Macpherson: You can be appointed to 47 felonies per year or 120 misdemeanors per year or 7 murders per year. This starts July 2025. We recruit nationally... I'm getting ahead of myself. We recruit nationally and we compete with King County public defender. We will not be competitive whatsoever going forward because why would someone come to Portland when their caseloads are two to three times what they'll be in King County in a year.

Rob Harris: Thank you.

Carl Macpherson: Oh, you're very welcome.

Christine Breton: I want to jump on one part of what you said before we can get back to a lot of...

[Crosstalk 00:38:36]

Carl Macpherson: I'm sorry.

Christine Breton: No, that's great.

Carl Macpherson: I have a lot of passion. I'm sorry.

Christine Breton: You mentioned body worn cameras and we're talking about changes that have happened over the course of your careers. You guys spok about changes to your client but also I want to talk about changes in preparing a defense and preparing your case. If you, Carl, want to speak more about the changes in expert needs or discover things like that that you want to touch on?

Carl Macpherson: I'll go quickly on expert and I'll turn it over to John for discovery. But expert, the need for experts has exponentially increased. It's all the scientific advances that we have, the sciences we know that have been debunked that you still have to work on debunking. Body worn camera, cell phone extractions, computer extraction. I mean, imagine your cell phone gets seized in the case and they extract it and you have to go through text messages, emails that can be accessed particularly in domestic violence cases or sexual assault cases. There's a relationship there that expands a long period of time. You need to review everything that's been extracted from your client's cell phone or from a witness's cell phone.

I have a case right now there's five cell phones. The amount of time with experts and discovery and it's consultation. It kind of goes back to what Stacey and Grant were talking about in terms of the clientele. That's expert involves as well, psychological, neuropsychs that you do now that you just didn't do back when I started 25 years ago. You didn't. It's been an explosion of experts in that need for both consultation and for presentation. And then in terms of discovery, it's an absolute explosion of discovery in public defense the last couple decades. I'll turn it over to John to talk about that.

Jon Sarre: Well, thank you, Carl. I've been doing this long enough to remember that even in a Measure 11 case, sometimes you' get 20 pages of police reports and that would be the entire case. Now, there is surveillance from everywhere. There are as Carl already said, cell phone data, cell phone data triangulation which is kind of some of that possibly junk science we may have to go against and debunk. There is grand jury recording. Every felony or every major felony case in Multnomah County, every Measure 11 case, every murder case, which is primarily what my group does, there isn't [Phonetic 00:40:59] usually an interview that has been recorded. Sometimes these interviews are two to four hours long.

There is just, there's so much more that we get now and not only do we have to watch that and we have to process it, our clients have to see it. Somebody has to go to the jail and show the client a 4-hour interrogation that he or she had to sit through. If I'm not doing it, then my investigator is doing it or if a case manager possibly is doing it but somebody has to do it. That takes away time from somebody's schedule. We are in a situation where I don't think anybody feels that they have a lot of free time to do these things. I sometimes feel bad about asking my investigator to go to a jail because it's [Inaudible 00:41:55] do that.

Also, there is going to be significant, particularly with body worn cameras, there's going to be significant additional storage technology needed that is going to have... Especially when in our makeup, we have a lot of people who are solo practitioners or small offices. They're going to have to add additional data storage that's going to have to get paid for. In our contracts, we are required to hold on to our clients files for 5 years by OPDC rules but the bar of course mandates 10 years storage, 20 years for murder cases. In fact, that's actually 20, supposedly 20 years after the case is completely done, the appeals are done. Be that could be 30 years. That's definitely a challenge that's not going to go away. It's going to get worse, I think.

Jennifer Nash: Well, and the tech. You need the technology to be able to do that and share it with your client which sometimes, I mean, from my experience can be quite cumbersome especially when you go to the jail and have to have your client review videos. You have to have two screens, which on a laptop requires extra... I mean, it's expensive and it's a lot and it requires a lot of thought about how to store those things and transport them and communicate them to the people that need to be communicated to.

Jon Sarre: And as you know, in a small law firm, you don't have a dedicated IT person.

Jennifer Nash: That would be me. I'm the dedicated IT person.

Jon Sarre: Thankfully it's not me.

Christine Breton: In terms of all of these changes that impact your capacity as attorneys and what you're expected to do on each case, well, I guess I'm wondering, maybe Stacey or Grant want to touch briefly on changes you've seen through your actual time in court that we've spoken mostly about things you do outside the court in terms of case preparation. So, if there are changes you've seen briefly in court processes also impact your capacity or your practice.

Stacey Reding: I can jump in and speak a little bit about rise in JSC's, judicial settlement conference. There's sort of an expectation that every felony case has a Judicial settlement conference. That's in part because we embraced MCJRP some years ago. I think that just kind of normalized that for every felony case so that sometimes you have one, two, three, four settlement conferences on a felony case before it resolves. I would say we have a blessing in Multnomah County in that we have a lot of treatment courts but as far as workload goes, it can create a lot of bureaucratic extra work we have a lot of different treatment courts. We have Start Court, we're creating a Veterans Court, Mental Health Court and then also MCJRP resolutions. There are different systems and dockets for pursuing each of these courts. There's been some effort to work to try to streamline that for the defense and for all really all the parties involved but we have a lot more work to do. I think every attorney on a felony case has to examine their case and think like, okay, let me check off the list of possible treatment courts that this case could be a candidate for and then make sure they're pursuing all of those. That just adds a lot of compared to when I first started and when I first started handling felonies like 14 years ago, it's just a lot more in-court time and a lot more preparation for possible treatment court entries.

Grant Hartley: Sorry. I didn't mean to cut you off there. Are you done? I did want to add there's in addition to the court processes there, there's also access to our clients. The jails like most of the public safety system are understaffed as well. In February 2023, the Inverness Jail which is actually located out kind of by the airport 122nd in Northern Portland, they always had the ability to go visit your clients basically from 8:00 AM until 8:00 PM. In February of 2023, they cut off visitation at 3:00 PM. That means you had until 8:00 to 3:00 and there were also two shift changes in there that were competing, you know, for... Obviously, that really deflects a lot... I mean, myself, I do all of my visits in the evening because I was in court all day or I was in meetings all day.

It has been a huge hindrance and a very large time-suck for our attorneys to try to figure out how to adjust their schedule for it. We did a lot of advocacy and we were able to get Wednesdays back. So, now, Wednesdays, we can do visitation until 8:00 PM again but we're hoping that expands. It's not just the physical access. Getting through on the phones is also incredibly difficult because each unit has one turn to call. That means that if there's somebody in there who's really chatting with their attorney, you're not getting through. We're hoping that we can continue to advocate with the Sheriff's Office is to give us greater access to our clients.

Jon Sarre: Also, if I just jump in on when we're talking about the jail. We spend a lot of time here just waiting for transport it. 45-minute delays are not uncommon in Multnomah County. That's from the clerk calling the facilities to bring your client up to court. Half an hour is probably at this point normal.

Sen. Floyd Prozanski: May I ask, the holding, do they not have a holding place within the court bring them up or are you talking about they're bringing them from somewhere else?

Jon Sarre: Commissioner Prozanski: They do have a holding tank in the first floor of the building but the folks that actually transport the clients to the courtroom are just, they're just understaffed. So, judges will set things at 1 o'clock because they know that they won't get a... They will get a person at 1:30.

Sen. Floyd Prozanski: Thank you.

Jennifer Nash: Do your clients appear at every appearance regardless of what kind of appearance it is?

Jon Sarre: Except for some of the presiding call docket or the misdemeanor presiding call docket, they normally are transported for just about everything else.

Jennifer Nash: Do you have any video appearances from the jail?

Jon Sarre: We do some. In fact, sometimes they'll do video appearances from the holding tank in the building rather than... Because you get kind of a Hobson's choice. You can either wait 45 minutes or an hour or you can have the client there by video. The audio down in the jail is not ideal.

Christine Breton: I really want be cognisant of the commission's time. I want to make sure that we're able to cover everything that we hope to in this panel. I wanted to give each group an opportunity to discuss specifically the recruitment and retention issues that they are seeing in their organizations. I think the legislature and this commission have taken up and continue to take up. I can just start with Carl. I'll start with the Metro and if you all want to... Maybe I know, Carl, you're hoping to fold in the conversation about caseloads which probably dovetail well with this portion.

Carl Macpherson: They do perfectly.

Christine Breton: I will say that the commission did have a presentation today from Moss Adams about the Oregon Study hours and discussion about the differences in the caseloads between that study and contracts. So, they had that discussion this morning in the background.

Carl Macpherson: Excellent. I appreciate it. Recruitment for MPD, we recruit nationally because we have to there aren't enough people in the State of Oregon to bring into public defense. In the last five years, we've brought in 97 attorneys on contracts to this state. 70 were from out of state. To try to recruit diverse high qualified

candidates, we have to. We have no choice but to go out of state. So, we spend hundreds of hours a year on just recruitment alone to bring new attorneys in. One of the most important aspects of non-profit public defenders is you're not going to bring individuals in unless you put forth that effort to recruitment that the state needs. In terms of retention, we've had retention issues.

We've had retention issues the entire time I've been here. There's been different reasons for I think the retention issues. I think the main two are caseloads and pay. The workloads are too high and when you talk about the high workloads, you're also talking about the stress that goes along with that and the stress that comes with the emotional toll of doing this work. Often feeling disrespected by the system, your clients and you as a practitioner. That is added stress that's unnecessary should never happen in my opinion. And the pain. We were losing about 20 attorneys per year. Now, we're a large organization. So, on the contracts it's about 95 attorneys but you're still talking about 20% of your attorneys are turning over every single year. Doing exit interviews with all of them, I know why they were leaving. The main reasons were pay and workload.

When I first got here, it was workload. When Grant Hartley started, he was handed 190 files on day one. So, "Here you go. Good luck." We don't do that anymore, all right. But when I first got here, the workloads were still way too high. People with minor felony cases was at 120 open cases. They had no idea what was going on their cases. I think that people who are the architects of this system and have been in it for a long time just kind of don't want to admit that what we were doing for years was practicing unethically but it is true. That is what was occurring. We were losing for workload, I think first. We've made some dents into the workload problem but it's still way too high, but it's pay. We have such a compressed pay scale that an attorney can come to us, we train them for six weeks.

They get litigation experience they cannot get as a civil practitioner. And then a civil firm comes and says we're going to give you \$30,000 more. We're going to let you work from home and you're probably going to work less hours with less stress. We can't compete against that. The other thing that we can't compete against is the fact that the DAs in Multnomah County and Washington County are making two three times what our attorneys are making, two to three times. We can't compete with the fact that you can be a really qualified attorney now. You can go to the... I'm all in favor of the state trial office. I think it's an excellent, excellent thing for the state. I'm very much in favor of it. However, \$30,000 to \$40,000 pay increase to go to that unit and a fraction of the caseload. In terms of recruitment and retention, those are the main issues. And disparity of pay and disparity in terms of your caseloads are critically important.

I do want to talk about caseload really quickly because it's very important to why people leave as well and the kind of the disrespect from the system. To have the system continually say to us that you're not meeting your contractual obligations because you're not meeting your MAC when they're also putting forth numbers that are inaccurate which they know are false and misleading and inaccurate hurts morale internally and it has an effect on our people. When you're creating this MAC, which is a max and it's a ceiling not a floor as you all know and it was created for budgetary reasons, right. It was to be able to say to the legislature these are the number of cases we expect to come in, this is the number of lawyers we have so this is what the numbers have to look like.

They're not real numbers. The only number that was legitimate or real at the time was 300 misdemeanors that was taken from Washington State which had a standard at that time no more than 300 misdemeanors per year. What did Washington State do last week? 120. 120. Washington State didn't have an internal state specific report saying that your caseloads were two to three times what they should be. Washington State adopted this 120/47 even without a state specific report. They did that based on the national workload study. Our MAC is excessive. It's too high. It's backwards when you think about the fact that the people we're bringing in to help are brand-new attorneys. You're asking brand-new attorneys to take on 300 misdemeanors in their first year in practice. It cannot be done. You will burn them out. They will not stay. It's not possible.

The other problem with MAC and why we need some help from the commission would be actually education about what MAC really is and actual legit statistics and numbers. Because when they look at MPD, they attribute 300 cases to our new attorneys whether they worked 3 months in the contract cycle or 12 months. Well, it's like, well, yeah, sure, this attorney's been here three months but you're attributing 300 cases to them. How are we going to meet our MAC when you're expecting them to do 12 months of cases in 3 months? It just doesn't make any sense. It is problematic. In terms of caseload so you know because I think this is extremely important, for our major felony team downtown, their open caseloads as of today because we checked this morning, the range is 31-62 open cases for the major [Inaudible 00:55:59]. The average is 51 per attorney.

The average open caseload on major felonies exceeds what Washington's going to do in July 2025 for a full year of felony cases. On our lesser felony qualified attorneys, the range is 64-98 open cases and the average is 85. On our misdemeanor qualified, the range is 80-110 open cases and the average is 93 per attorney. Please remember that 11 of those 15 misdemeanor attorneys started in October. They've been here five months. So, if I seem frustrated with hearing about MAC, and I am because it's patently unfair that that is still being

brought up and is in materials today from OJD that public defense offices are consistently below the contractual MAC. It's not based accurate data when you make that point. That's unfair to the providers. It's unfair to our clients. It's unfair to our attorneys. It's really impactful going forward to both recruitment and retention when we have a state that's just miles away that's going to do something drastically better and in line with our own state study.

Jennifer Nash: You are preaching to the choir.

Carl Macpherson: I know. I just thought I'd thank you. I sometimes...

[Crosstalk 00:57:24]

Jennifer Nash: I know, I know. The time is 3 o'clock. I don't want to cut off the other two people that we do to...

Carl Macpherson: Thank you chair. I appreciate it.

Christine Breton: Yes. I do know we started at 1:05. So, I'll ask for a little bit more time for this session.

Jennifer Nash: All right. 5 more minutes.

Christine Breton: I do want to make sure we have some opportunity to let MBI into the consortium which has a very different recruiting and retention model than PD offices. Stacey, is there anything that you wanted to add to what Carl said to your...?

[Crosstalk 00:57:54]

Stacey Reding: I will echo everything that Carl said. I guess I'll add that I think even with workload measures in place this work really takes in a mental and emotional toll on our attorneys. We hire really passionate hardworking people who want to improve their clients lives and they see our clients suffering. That's another barrier that we have for retention. I'll echo everything that Carl said. I know we're past time. I guess one thing that's you unique to my office that we do our contracting with having a time limit on when we can fill a vacancy. Makes it harder for us to recruit on the same timelines that offices like Metropolitan Public Defender recruit on. We sometimes find ourselves hiring midyear. That can present challenges with training as well. I think the best model for training is when you can have a cohort of attorneys who are onboarding at the same time and learning together.

They create kind of like a classroom collegial environment for each other. They have each other to go to. If we're onboarding people kind of spottily throughout the year, I think it does not work as well as hiring in a cohort. Our contracting really necessitates that we fill those vacancies rather than leave them unfilled and then kind of plan to hire a class in the year. I recognize I'm identifying a problem here without proposing a solution but there it is. Thank you.

Christine Breton: John, you want speak for the consortium.

Jon Sarre: Yeah. You're correct. Our model is a little bit different because we really don't have by virtue of our contract, we don't have a need for entry-level people. So, anybody who comes on to PDC, we have 15 lawyers currently. They range an experience from about 3 years to 3 decades and more but they need to be able to do at least minor felonies. Preferably we like people to be major felony murder certified. But that that same retention problem that plagues the PD's office, we have the same problem. When I was a supervisor at MDI, I had a lot of folks come and go in two, three to five years. They would they would go do something else. Those are people that had they stayed in the system, had they stayed doing this type of work, could be taking murder cases, taking Measure 11 cases. When the talent leaves the PD's office, a lot of times it's lost for good. And then we're going to have a situation where someone's going to retire at some point. I don't want to have a situation where that that person's spot isn't replaced because we don't have anybody [Inaudible 01:01:06].

Christine Breton: With just one or two minutes left, I want to give each office an opportunity to list maybe your top three, everything you talked about, what are your top three priorities.

Jennifer Nash: One.

Christine Breton: One that you would like to see this commission, like what would you like to see the commission prioritize in their tenure? You might give a top three. John, do you want to go first?

Jon Sarre: Yeah.

Jennifer Nash: I have a top three.

Jon Sarre: I know that the commission has recently approved raises for investigators and we hear about that all the time. I don't think that's been enough. Everything else everybody said about lower caseloads and higher pay and parity. That would be my wish.

Carl Macpherson: Quickly, the workload plan. Adopt the workload plan consistent with Washington State and the other systems. Reduce or eliminate pay disparity and support, continue to support training, supervision, investigation and adult case management, which you're on the path of doing.

Christine Breton: Grant, do you have anything else you want to add?

Grant Hartley: No.

Christine Breton: All right, Stacey, I'll let you finish us up.

[Crosstalk 01:02:24]

Stacey Reding: Thank you. I'll just commend the commission the agency for funding training and supervision and prioritizing those. I think they're incredibly important I think it's important to fully fund investigation within public defense offices. I do think we should work to reduce the pay disparities between public defenders and other lawyers practicing for DAs or for the state.

Christine Breton: Thank you all so much for your time.

Jennifer Nash: Thank you. Okay, I'm cutting the break. I mean, it's going to be 3:15, we'll be back at 3:15.

[Break 01:03:30 - 01:13:41]

Jennifer Nash: All right. Welcome back after the break, to the Oregon Public Defense Commission meeting. We are moving on to the update regarding the OPDC budget, Mr. Amador.

Ralph Amador: Chair, Nash, let's talk about the... Sorry, Commissioners, Ralph Amador OPDC, for the record. What you have in front of you is the month ending January 2024 budget as it stands. This one currently shows that there's a positive variance at this time. Remember, this is from January because of the way our systems are set up, our month end close for February came after the submission of these things. What this doesn't show is any of the recent investments that were had that were given to us in the 2024 session because when we submitted this and did this, they weren't in existence yet. To this time, the bill hasn't been signed anyway yet so we don't officially have any of those additions now. As you look at that, the general fund is showing in the first column, General Fund Authority, we're showing a positive variance of \$.3 million. That's generated from other areas such as the juvenile office [Inaudible 01:14:55] as it rolls up.

You'll see in other funds that there's a positive variance and a negative thing there. We haven't really gone for... That 17 million is basically akin to the juvenile division which is where we get 4 million from. We haven't got any [Inaudible 01:15:15] money yet. When we get there, I'll talk about that and [Inaudible 01:15:19] stuff as well. In the Executive Division which is the third one, you see a negative variance of 131,000, same performance. The executive division presents an overage services due to rejected cost of living and merit increases that were given to you because of... Commissioner [Inaudible 01:15:42].

Jennifer Nash: I am

Ralph Amador: Okay.

Jennifer Nash: But only because I can't find this in the... This looks different. I'll turn around and look. It looks different than what was in the printed document. It's not. I'm just looking at it wrong. All right. I'm caught up now. Thank you.

Ralph Amador: Of course, of course. I want people to understand. If there's questions, then we'll answer them. In the CAP Division and in any of these places that have personnel is still showing a negative variance because the union contracts in the state gave all employees a raise and cost of living increases. That's reflected in. There's an expenditure because we weren't given the money from salary pot until the 2024 session. Once we're awarded that money when the bills go through, then of course it'll show a different story which very, very positive going forward. The Appellate Division is on track in same instance there. Audit Trial Division is kind is in the same boat. That's going to change a little drastically as we're bringing stuff in.

They have a completely different dynamic. But what is in that adult child division is the provider contracts and the state level public defender officers that are in there as well. But again, there's still positive variance overall except for that \$96,000. Again, that'll look a lot different because we're going to get a big increase of capital and staff into that area. Juvenile Trial Division showing a variance of... [Inaudible 01:17:17] an operate. That's a positive variance of 2.06 million. Sorry. That's basically because we recovered [Inaudible 01:17:28] funds and switch them over. It shows that there's availability there. That's what the 4.3 million is right there but we'll switch over in other funds we get [Inaudible 01:17:39] over to us and we're able to get [Inaudible 01:17:41].

Jennifer Parrish Taylor: [Inaudible 01:17:45] question.

Ralph Amador: Yes, ma'am.

Jennifer Parrish Taylor: I'm looking at Adult Trial Division. Why is there such a jump from the 9.7 to 13 and then down to 10.9?

Ralph Amador: Commissioner Parrish Taylor, that is because the very top ones are the actuals and the rest are all projections. When you see like the actual ones are going on. If you look at the Adult Trial, you'll see 9 million there in July. That was what the actual numbers were. For July, August and September, there was a shift in the way we were doing things. There was a because of the contracting, we held fast because 3 months stopped. We were paying old rates. And then we had a true up that went boom. So, that 13 million is spread over those 9, which get us to about the 10 million. So, we spent...

[Crosstalk 01:18:40]

Jennifer Parrish Taylor: Gotcha.

Jennifer Nash: That's when the statewide trial division came on board too, right. October, September, October?

Ralph Amador: Statewide Trial Division should have come on board in December was when the first one came on board. It was supposed to be in October.

Jessica Kampfe: Most of this is because when we signed the '25 or '23-'25 contracts, for three months there was...

[Crosstalk 01:19:02]

Jessica Kampfe: And then you see in October, they got the back pay. That's why that one hits at 13 and then they start coming in at 10 because of the...

[Crosstalk 01:19:17]

Ralph Amador: But just state trial money is in here as well. There's some, not a lot of jump [Inaudible 01:19:29] was up because it's slowly matriculating in as we hire more on, you see it should balance out. It shouldn't be that drastic is what hires could be [Inaudible 01:19:40]. If there's no more questions on this page, we'll move on to the next one. We have [Inaudible 01:19:47] expenditures is showing a positive mainly because the expenditures from the... This one is similar to court mandated except it's like reverse because of the psychology switch. Some things, are if you look at pre-authorized expenditures and court mandated expenditures, there's some charges that hit one that we have to switch over which are which is court mandated psychology stuff that is coded one way and we have to switch it over so they balance it [Inaudible 01:20:15].

That perspective we're trying to get people to [Inaudible 01:20:19] right area and hopefully time it in it will. But that's just a swap that we do quarterly. These look like they have positive variances but there's a lot of stuff we projected in here that for temporary, the THIP program that's in there. So, we're going to get some cash into these areas as well going forward as well. We're kind of tracking what with [Inaudible 01:20:48]. But it's going you look at November and stuff, we're shooting... We're at 3 million in pre-authorized expenditures which is over what we're projecting to go forward but so we're hoping that that evens out in time. Court mandated expenditures in the other fund, you'll see that there's the \$3.7 million which again, the majority of that money is application contribution program which is run by OJD which qualifies folks for public defence.

We're not receiving the revenue that we thought we would get from there. The key point here is that only about 800,000 of this money is for the commission. The rest of it goes straight back to OJD so that they can fund those 22 positions that they have, 22 positions across the state. They have to backfill those with general fund on their end. They're aware. The fact that we're not sending them [Inaudible 01:21:50] we're not getting anything in at this point. It looks like there's an issue there, but. There is an issue that is not our issue at this point yet because we're trying to get our money back before we send it out. Parent child representation program is showing...

Jennifer Nash: Hold on. I want to back up. So, we're collecting the money but we have to give it to OJD?

Ralph Amador: Yes, ma'am.

Jennifer Nash: Okay.

Ralph Amador: The money comes in, we take our money out and then we send the rest to OJD so they can pay their staff.

Jennifer Nash: Thank you.

Ralph Amador: Parent child representation program is showing a savings of about \$4.7 million after again the 11 million from the other funds is money that we'll get from [Inaudible 01:22:32], money to swap over and fix the problem on that [Inaudible 01:22:36]. It's one-for-one swap just like you talked about in juvenile [Inaudible 01:22:39]. It's [Inaudible 01:22:42] significant savings in the parent child representation program which looks good here but in the rebalance that Ms. Taylor will talk about later, the majority of these funds and the majority of the juvenile savings is being moved over to the adult trial to do that. There is some savings that's left in is a buffer that we'll talk about but that money is moving over in the rebalance as the adult trial is expected to go over at this point.

Administrative services is showing the savings mainly because of the SEMS program. We're behind on the SEMS program per se as projected but we're catching up. We had some expenditures for staffing and everything else that we thought we would be paying as we projected them out but we don't have staff or anybody on board right now but one project manager and one IT person. So, there is some savings developing in there that's showing there. Special programs and contracts division, it's showing an overage but mainly that's evening out because we are over projecting on the discovery portion of it because we don't know what our bill [Inaudible 01:23:54] off for discovery at this point because they come in randomly and unexpectedly and we just have to pay them when they come in. The million dollars in the other funds here is being on with... Actually is \$995,000 but that money is being worked on with CJC because that was grant money that was given to us. That's just limitation. We're giving the money back to put in this [Inaudible 01:24:19].

Jennifer Nash: Wait, did you just say we have a million dollars that we didn't use it? We have to get back?

Ralph Amador: No, ma'am.

Jennifer Nash: Okay.

Ralph Amador: I'm sorry, Commissioner Nash. No, ma'am.

Jennifer Nash: No, that's okay.

Ralph Amador: We have a million dollar in limitation that was given to us. We had a contract, an agreement with the CJC for \$990,000 of grant money to do some stuff. We did that stuff and now we're working with CJC so they can recoup the federal funds, give it back to us and then swap those expenditures over. Once we do that, then that category will change in one of the months. As we put it in, they'll show expenditures and that will go down to... It would probably show... It should show like a probably \$20,000 to the good because we won't spend a million dollars.

Jessica Kampfe: Mr. Amador, when you say we had a million dollars in limitations, that means we had like permission to spend up to a million dollars, right?

Ralph Amador: Director Kampfe, yes, ma'am. Other funds and federal funds and everything else, it's just limitation which is the authorization to spend up to that amount.

Jessica Kampfe: Doesn't mean we have the cash. It just means we have a provision...

[Crosstalk 01:25:28]

Ralph Amador: No. It do not. Yes. I'm sorry for interrupting you but you are correct. That's a huge misinterpretation. When people see this, they think we have cash in hand. I [Inaudible 01:25:38] all these other fund areas, we don't necessarily have cash in hand.

Jennifer Nash: Are there any other questions about the budget? All right, thank you very much, Mr. Amador.

Ralph Amador: Thank you.

Jennifer Nash: Ms. Taylor, I don't know how you're going to brief us in 15 minutes about the 2024 legislative [Inaudible 01:26:02] but go for it.

Lisa Taylor: You're going to be so impressed chair. Great. My name is Lisa Taylor, Government Relations Manager and I'm going to present about the 20124 legislative session. I'm going to breeze through some of this. So, if you have questions, if you have an interest, please just stop me and I will go into more detail. This presentation, we're first going to go over the budget and what we got versus what we requested and then our policy which is mainly of course going to focus on 4002, the Recriminalization Bill. Our budget asks for 2024, you should be familiar with these because we went over them last commission meeting or in January commission meeting. Again, our goal were 337 implementation, unrepresented persons and robust administration. All of our requests fell into those categories.

We were also requesting all the money to come from special purpose appropriations or SPAs which is money the legislature has set aside for our use but we have to request it in order to spend it or it was going to come from carry forward from the previous biennium. This is a look at our SPAs. We had four of the SPAs and how much we were using of each SPA from our requests. As you can see, we were requesting almost 14 million of the 19 million that was available. We would only have 5 million remaining from the requested budget that we made. I'll show you in a later slide how that played out. First, our main goal of this session and our top priority was the rebalance. We discussed this also in previous commission meetings. We wanted to rebalance from the various divisions of the agency into adult trials so that we could fully fund the two years of supervision training and investigation. We worked really closely with legislative fiscal office and we were able to successfully rebalance.

So, we are able to fully fund the two years of the existing contracts. That's very exciting. Here's just the numbers that support that rebalance. This is our state trial office expansion and staffing. You can see the requests that were made

there. We got most of this request. However, we did request five attorneys for the mid [Inaudible 01:28:47] liment Valley State Trial office and we were only given three. I think that was likely because in 4002, we're given additional state attorneys and so it was probably just a balancing act. We also did not receive three procurement staff that we requested along with one compliance position for the compliance audit and performance division and one HR position. We did however receive the additional funding for the other pilot offices as well as an admin specialist for each office. We also got the... Oh, that's not on this request. But we also got a training coordinator for CAP and a fifth coordinator for the adult trial services. We requested 1.75 million for a consultant to help with the executive branch transfer. We actually ended up reducing that to 500 million and that's a strategic [Inaudible 01:29:43] that Moss Adams is going do.

Jennifer Nash: 500,000.

Lisa Taylor: 500,000, sorry. Yes, 500,000. It went down. And then these requests, we got pretty much exactly. We requested a \$3 million for caseload SPA and we got that. That's going to add about 10 more contracted attorney caseloads starting in July, I believe. Sorry, maybe April. I don't have that written down. We also requested 7.4 million for additional THIP money to extend that through the end of June and we received that. You can see here that this is one of the main areas where the request was funded differently than what we asked for. Rather than using the carry forward money, we were actually given general fund money. It does seem exciting although I will say that they took all our carry forward money and reallocated it back to us. So, it didn't really, like, it was kind of a net zero. Yeah. And then this was our strategic agency staffing. Again, came out of the executive branch SPA. We got some really important positions for the transition to the executive branch mainly in IT.

I think you'll be most interested in the office specialists that we're getting for the courthouse office. This is going to allow us to bring a position in to be the commission administrator. Here, you can see how these budget asks actually played out in relation to our SPA. We were given a lot more general fund money than we expected. So, we actually ended up only using \$9.2 million from our SPAs which means we have \$9.9 million remaining in those SPAs which we could come back in May or September to request from the legislature. These are things we'll be discussing at the next meeting about how we want to make those requests. These are our budget notes and reports. In the budget report of the Omnibus Bill, OJD was directed to continue providing IT services through the end of the contract in June of 2025. OJD was a little concerned that they might not be able to finish out that contract once we've switched branch of government.

With this budget report, they will be able to now. We also got a budget note specific to us to come back and report on the status of the executive branch transfer in May and September. For reports that are due, you can see them up there. You can ignore the audit report which is in the materials. I was over assigning [Inaudible 01:32:35] reports but we do have to come back and report on quality management. FCMS are moved to the executive branch, we're turning in the next version of our mediation plan and the comprehensive public defense report which is actually being turned into the Judiciary committees rather than the Ways and Means committees. You'll see all of these reports at the next commission meeting for your approval.

Jennifer Nash: This is why we need a legislative subcommittee.

[Laughter]

Lisa Taylor: These are some bills of note. Again 4008 is in the materials that actually didn't end up passing so I crossed it off but you can see those in the materials. And then of course the big policy issue of this session was House Bill 40...

[Crosstalk 01:33:23]

Sen. Floyd Prozanski: [Inaudible 01:33:23].

Lisa Taylor: Yes, please. You would know best so please correct me if any of this...

Sen. Floyd Prozanski: No. I just [Inaudible 01:33:31]. Thank you.

Lisa Taylor: So, yeah, the big Bill of the session was House Bill 4002 which was around the drug policy and the changes to Measure 110. I've broken out sections here that are going to impact public defense the most. It really breaks down into delivery which is the return to the void standard and then the creation of a drug enforcement misdemeanor which is recriminalizing the possession of small amounts of controlled substances. I believe this, Commissioner Wright, gets to the questions you were asking earlier about how we came to our numbers around how much impact we think this is going to have. First, I'll start with delivery although how we did both delivery and possession is fairly similar. We went back to 2019 numbers pre-pandemic, pre-lawyer, pre-20 [Inaudible 01:34:35], pre-everything.

We looked at the number of cases that our providers had reported in these types of deliveries and then we added a 10% inflation number just to account for population growth and also fentanyl rise which has obviously dramatically increased since 2019. And then it was really just a matter of 2019 numbers minus 2023 numbers, plus that inflation rate equals the new charges that we

think we're going to see from 4002. And then you can also see them broken out by case type. The delivery in certain locations and the re-evaluation of release guidelines also would likely have an impact on, if not number of cases, how many hours these cases are going to take but we frankly don't have that actual data or formulas to calculate that. We did note it in our fiscal but we didn't actually assign it a number. You can see similar process for the impacts of possession although on possession cases, we added in deflection. House Bill 4002 sets up a deflection program. Well, it creates the ability for counties to set up a deflection program. It is optional for counties to decide to set up a deflection program.

Rob Harris: Sorry. On the upper right of the slide, should that be possession charges that's reported by providers?

Lisa Taylor: Yes. What does it say? Oh, yes, it does. That should say possession.

[Crosstalk 01:36:13]

Rob Harris: Okay. That's what I thought.

Lisa Taylor: Yeah. Sorry about that. What we did for deflection is we assumed, especially once they made it optional for counties to start a deflection program, we assume that 50% of counties would create a deflection program. So, 50% of possession charges will be offered deflection. Of those, 50% will be successful in completing that deflection and therefore not be referred to the criminal justice system and need a public defender. The math here, you can see our 2019 numbers. We added the 10% inflation. We reduced it by that 25% deflection and that's how we arrived at our new charges from 4002. We also added, and I don't know if this chart necessarily shows it but our fiscal that we presented did show it... We added a 5% collateral charge because we know that the increase, just involvement with law enforcement when they're searching for drugs is going to lead to other charges.

Commissioner Wright, I know you asked something about how our numbers are different than other folks who have presented numbers about what they think this is going to result in. Really, that just comes down to the fact that we have different data sets, right. We're looking at our provider reported cases. CJC is often looking at the outcomes of cases. We all kind of have different math. I don't know which one of us is right. I kind of hope we're actually wrong on this one. It would be great if we were wrong on this one but I think we frankly needed to be really solid on this fiscal and really present the information we had to make sure that we weren't caught off guard when 4002 goes into effect.

Jessica Kampfe: Ms. Taylor, when you said the public defense caseload reporting is reporting of inputs to the system cases that at the point that they're assigned council whereas the CJC was looking at conviction rates. So, that's outputs from the system. We would expect our data to have higher numbers than the CJC data because not all of the cases that come into the system are going to result in a conviction. [Inaudible 01:38:38]

Jennifer Parrish Taylor: [Inaudible 01:38:38]

Jessica Kampfe: Yeah. I've been [Inaudible 01:38:40].

Jennifer Parrish Taylor: I apologize. It's late in the day and it's warm here my brain is kind of slow but can we go back to the other slide.

Lisa Taylor: Yes.

Jennifer Parrish Taylor: Why would you use 2019 possession numbers if you're also inflating for fentanyl? Why wouldn't you just use... When we know fentanyl was kind of peak hitting us 2020 numbers or 2021 numbers.

Jennifer Nash: Because they reduced criminalization for the 2019 or prior to what... And the pandemic.

[Crosstalk 01:39:14]

Jennifer Parrish Taylor: Got you.

Jennifer Nash: Sorry just to answer instead of...

Rob Harris: I have a question for you. Looking at your estimates here on the possession, you were saying that we estimate 50% of the counties will have deflections and of those 50%, [Inaudible 01:39:33] 25%. What if 50% of those counties have deflections but it it's all the biggest counties in the state? Did you go county by county or did you look at just... Because if Washington County tells me they're going to do it, Multnomah County tells me they're going to do it, Marion County...

Jennifer Nash: The legislature said that they had commitments already. [Inaudible 01:39:56].

999: at least 22.

Lisa Taylor: I fully admit this deflection number is a total guess but first of all, we had a [Inaudible 01:40:07] in our fiscal the same day that the amendments came out about deflection being optional. So, we just kind of had to like go with what the

information we had. Yeah, more counties, like two-thirds of counties have committed and they are the biggest county. So, that deflection number might be way larger which would be fantastic. We want as many people deflected from the system as possible because that means they won't need a public defender.

Rob Harris: Fair enough. I just wanted to understand. I think that's a very flexible number.

Lisa Taylor: Right, yeah. And it's a very conservative number on our part.

Sen. Floyd Prozanski: Yeah. What they also told us is that of that 22 counties that will bring in 80 to 85% of the population of the state but what we have to keep in mind is that it is optional. At this point there's no deflection program that's established. CJC will be establishing what is best practices. So, you're going to have across the board, one county won't have deflection, two counties will but they may not be exactly the same.

Susan Mandiberg: Who decides in the county whether they have deflection? The DA?

Jennifer Nash: The DA.

[Crosstalk 01:41:15]

Lisa Taylor: I mean, because the county commissioners were making commitments about treatment funds available and resources that were available really supposed to be a collaborative...

[Crosstalk 01:41:26]

Jennifer Parrish Taylor: I think it's technically the county that determines if the program exist. It's the DA that [Inaudible 01:41:33].

[Crosstalk 01:41:35]

Lisa Taylor: Oh, yeah. We're done.

Lisa Taylor: I think this kind of takes us into this next point. Our goal with this was really to create a very clear record of the fiscal and the workforce need that 4002 was going to create. I think we knew right off the bat, like, well, we already have an unrepresented population that's eligible for lawyers and don't have them now. Adding more people to the system isn't going to reduce that list. We wanted to really make sure that we were being clear about how much this was going to cost and how many lawyers this was going to take. Chair Nash testified twice about the workforce impacts to the committee.

We sent letters to the committee chair and we provided a really thorough and extensive fiscal to the legislative fiscal office. I think all of that was appreciated and heard and everything but ultimately, this kind of became a discussion that even if you were funded for the, I believe it was 38 additional MAC lawyers or 86 hourly attorneys working full-time, do those lawyers even exist and could you get them on board? It became more of a conversation about what was reasonable both funding wise and just person-wise.

Jennifer Parrish Taylor: I have a question about that. Is there going to be a comm strategy or plan around that narrative of, like, we told you how much it was going to cost. This is what we got, this is not our fault, and be very clear about that. Because what I want to anticipate is the political kind of fallout potentially of this and who's going to be left holding that bag.

Jennifer Nash: Well, we actually didn't tell them that. What we said is this is how much it's going to cost and even if you gave us all the money, we don't have the workforce. I think the narrative really... What was... It really was. I'm not hedging. That the unrepresented list was going to grow, that they were creating a bigger problem on the back end by this. They didn't fully fund us because we told them we didn't have the workforce.

Sen. Floyd Prozanski: Let me just follow up on that. Lisa, correct me. I wasn't sure if we actually had have a SPA in place it where the state at least will be able to come in and get more money if we have the availability to hire more people. I forget. I know there's some conversation with potentially bringing in 25 more people or something.

Jessica Kampfe: There's no SPA that was created by this bill. However, when we did access the funding for coming out of this session, because the legislature made the decision to fund us with some general fund and carryover, they left our existing SPAs more intact. So, I think we have 9 plus million that is still in SPA money. Some of that is in our SPA for increased caseload.

Lisa Taylor: We actually used up all of our caseload SPA but we have a 6.2 General Public Defense SPA that hasn't been touched and we also have money remaining in our executive transition SPA.

Jennifer Parrish Taylor: That carryover, like I guess just is that just money that is allocated to y'all? Like you just asked against it and they disburse it?

Lisa Taylor: It's not our money, and I think legislative fiscal office would be very intent that we say this is not our money but is money available to us to come and ask for it.

It is released back to the general fund in December. So, we need to ask for it before then. Yeah. Commissioner Buckley might have details.

Jennifer Nash: I know we're running late but I think this is really important that we get through this so I'm...

Lisa Taylor: Okay. Okay, so we worked with legislative fiscal office to kind of create a implementation strategy around 4002, again being really clear that this is a mitigation not a solution. That strategy involves increasing MAC attorneys, contracted attorneys, increasing hourly attorneys, adding more state employees and adding case managers and increasing pre-authorized expenses so there's more available. And then I think really importantly, the unrepresented list is part of that mitigation strategy. That list is just going to grow under this bill. I don't think there's any way... I know there's no [Inaudible 01:46:20] for that. These are the resources that we were given. All told, it's 12.7. I can't do the math but we have \$3 million for MAC.

This is going to come online in July and it's focused on misdemeanor MACs, to take up the misdemeanor cases coming from the possession charges. It equates to about 13 MAC or so. We have 3 million for hourly attorneys, 2.5 for additional state employees. We're going to be hiring misdemeanor level state trial office attorneys along with some support staff. 2 million for contract case managers which as you've heard today, the importance of case managers and all that they do. We're working right now about what that looks like and what those case managers look like, qualifications, things like that and who has access to them and whether those are through PAE or they're embedded in law firms or non-profits. And then an increase in pre-authorized expenses.

Jessica Kampfe: Lisa, the 3 million for Mac in 4002, that's in addition for the 3 million in MAC that came out of our budget request that the agency made at the end of the cycle. So, total we got 6 million for additional MAC. I think three of that comes on in April and three of it comes on in July.

Lisa Taylor: Yeah. The first three that comes on in April is for... Well, it's not for anything specific but it can be used for higher level MAC [Inaudible 01:48:03]. Here is a rough breakout of the math. This is the math we use to get to these numbers but I do want to say, like, this isn't official math yet. You can see we should be able to get 23,000 additional attorney hours, 13 misdemeanor MAC, eight deputy defenders along with the support staff which includes case workers in the state trial offices and then 22 contracted case managers. That's really exciting as you've heard today all this talk about case managers. That's really something that we've been working towards for a while to have case managers embedded in the public defense system. I think this is probably a very important step.

Jennifer Nash: Before you move on from that, just putting a little pin in this, you look at the numbers for the support staff here, this is not \$775,000 a year which is what the Moss Adams report had for sport staff.

Lisa Taylor: Okay. Just...

Jennifer Nash: No, I'm just...

[Crosstalk 01:49:09]

Jennifer Nash: It's just a little for us to kind of orient ourselves to that.

Rob Harris: I have question on that issue as well. I think looking at the state employees, is this one office, multiple offices, what is this?

Lisa Taylor: Yeah. There's no specifics in the budget or budget report but I believe the idea is that we would split those up between the northern and southern areas but again, they weren't specific so we could put them in the central area. They are specific for 4002 implementation.

Rob Harris: Was the numbers for support staff, your legal secretary, [Inaudible 01:49:48] case worker, is that considered like this is our standard for eight lawyers? Is that how this was developed?

Lisa Taylor: I don't believe so. Director Kampfe...

[Crosstalk 01:50:01]

Jessica Kampfe: I think you need to ask Mr. Amador actually how the ask was developed.

Rob Harris: So, the next question. This does not include any overhead costs for this. Let's say this a personal office with the support staff, which is close I think to what it should be but it doesn't include any overhead or anything else except for personnel cost, correct?

Lisa Taylor: This definitely wouldn't be like a new office. These folks would go into one of the existing...

[Crosstalk 01:50:33]

Rob Harris: Yeah. I'm just saying it doesn't include any other overhead costs for this offer.

Lisa Taylor: Yeah. To be honest, none of this actually includes overhead costs. I mean, this could result in the agency having to administer quite a few more attorneys in pre-authorized expenses.

Rob Harris: I'm just trying to figure out what one of these office is going to cost.

Lisa Taylor: Yeah. I see.

Jennifer Nash: You you're talking about the state and or the MAC?

Rob Harris: I'm talking about the state employees. It looks like there's a deputy defender, legal secretary, discovery clerk and case worker.

Jennifer Nash: This is compensation rates, right. That's I think what you're asking. This is compensation rates.

Lisa Taylor: I think I see what you're saying. You're saying, okay, does that mean that a law office is going to cost \$2.5 million a year for one of our state trial offices?

Rob Harris: That's sort of what I'm asking.

Jessica Kampfe: I'm sure Amador in a better position to answer that question than Ms. Taylor but I will say that this is not one office. These positions are disbursed among offices so this isn't the cost for a particular office but Mr. Amador will speak to how he got the [Inaudible 01:51:39].

Ralph Amador: Afternoon, Chair Nash, and commissioners. I'm Amador. Commissioner Harris, to answer your questions, if you look at the case workers and discovery clerks, those were broken out to be one in each of the three offices that we're going to have because we have a Salem office as well. Each one of those are there. Legal secretaries, we were trying to get a one to four type of ratio because we were using what we had priced in the previous policy officer [Inaudible 01:52:06] as far as case support staff. So, there's various numbers out there that have things out there but we used to use a one-to-four ratio on legal secretaries. The deputy defenders, those again as Ms. Taylor said, there wasn't any guidelines on who were going to go where. But we only had two offices at the time. So, however the [Inaudible 01:52:31] decided to fund those, [Inaudible 01:52:33] where they're at. These prices are on a yearly base. They're based on the State of Oregon compensation model. They do include the overhead for the person because they're established. When I talk about that, there's money in there for a new computer, rent and stuff like that and all of the benefits and stuff to go with a state employee for the year.

- Rob Harris: I doubt it. A new computer? Okay, all right. It looks like to me then maybe some of their law offices may be understaffed because this legal secretary 4-to-8 would be 1-to-two not 1-to-four. So, perhaps you're putting some of these secretarial positions in other offices that are understaffed.
- Ralph Amador: There are actually legal secretaries already into the offices already. We have a legal secretary in Metro and in Portland so this would be an addition to that, and then a discovery clerk would go in each office as well and a case worker.
- Rob Harris: I don't want to get too deep in numbers. I wanted to understand how these numbers developed and what they're looking at because I'm looking a little bit forward to the cost of the state offices as well. These numbers are great, by the way because it shows me the personal cost which is 80% of [Inaudible 01:53:47]. Appreciate it. Thank you.
- Ralph Amador: We just, for your own [Inaudible 01:53:50], we are setting up individual cost centers for each of the offices so we can track those exactly. Thank you.
- Jennifer Nash: Thank you.
- Lisa Taylor: In addition to those budgeted resources, we also received \$2.1 million for public defense and law school clinics. These are law school clinics that the three Oregon law schools are going to partner with local public defender offices to provide clinical misdemeanor work. We anticipate this will serve about 60 law students total and deal with 300 to 400 misdemeanors a year total. Again, this is one-time funding. So, if this is a program that next school year works really well and we think is really valuable, we'll need to come back to the legislature and ask for these funds again.
- Susan Mandiberg: Have the law schools bought into this?
- Sen. Floyd Prozanski: Yes, yes. We will be funding this in the future.
- Jennifer Nash: Thank you, Commissioner Buckley, who carried the water on this and helped find an alternative resource for getting those funds to [Inaudible 01:55:03].
- Lisa Taylor: Overall, it's really great because we got our rebalance approved which was our top priority. Most of our requests were funded. While 4002 is obviously not an accomplishment, we did at least plan for it which frankly in the past has not happened all the time. So, we won't be caught off guard by 4002. While 4002 will increase unrepresented numbers, the investment in contracted case managers specifically is a really important step that we're really excited about. And then of course the additional state trial employees help us build towards the Senate Bill 337 goals which have the 20% of public defenders by 2031-

something. And then finally, not getting the three procurement staff positions could be really detrimental to us implementing contracts under the department of administrative services rules that since we're moving to the executive branch, we're going to have to go through that whole legal process which is much more complicated than what we've been doing so far. We really hoping to get people with procurement executive branch experience in to help shepherd that process through. We've been talking about alternatives to that procurement process and if we can get contracted or if we can come back in May or what the solution might be.

Jennifer Parrish Taylor: Can we not use SPA funds to that?

Jessica Kampfe: I'd like to speak to that particular thing. As we move from the judicial branch to the executive branch, we are going to become subject to DAS procurement rules. That transition happens in January of 2025. Our new provider contracts get signed in the spring of 2025 which means the process to negotiate our new provider contracts has to go through the DAS procurement process which is new for the agency. That's not anything that we've ever done before. Our existing contracts are very different from executive branch contracts. So, we expect this to be a major change in the way that we're contracting with providers that's going to imp impact a lot of people. It's going to impact all of our people that have contracts with us. We had requested procurement staff to help with that that had that executive branch experience.

We did not receive those positions which creates some challenges with the agency that we were not expecting. We are working right now to resolve that issue and looking at what options might be available to us in terms of potentially working with the Department of Justice to help develop the contracts or other resources. We will be back in April to talk to this commission about requests for the May emergency board and whether or not we want to access SPA funds for the transition to the executive branch to bring on procurement staff. We're right now working through solutions for this challenge. But I will identify it for the commission as a significant risk as we are looking at provider contracts for next go around.

Jennifer Parrish Taylor: In the meantime, are you all preparing to send out some kind of notification to all contractors that like there's a new process is completely different and there, I would assume there's going to be delays.

Jessica Kampfe: I'm hoping there's not going to be delays but we have not come up with a communication strategy around this issue.

Jennifer Nash: Do you want to talk about the IOLTA issue briefly?

Jessica Kampfe: Yeah. An IOLTA is an interest on lawyer trust account. It is an account that all public defenders are required to have in the state by the Oregon State Bar and it's an account that the client can give the lawyer money, they put it in this account and they can try and do a civil agreement. I'm not a...

[Crosstalk 01:59:30]

Jessica Kampfe: Thank you. Because our new state trial attorneys are state employees, they can't just go down to the bank and open an account. So, if we try to work through this alternatively but in the end, it was just we needed the ability to make one. So, Sen. Prozanski had let us add a fix to the [Inaudible 01:59:53] Judiciary bill and we were able to get that through.

Jennifer Nash: Any questions? All right, thank you. I know that was long but it was really important that we be able to get through all that. Thank you very much.

Bob Selander: Lisa, thank you for all your work during this session.

Jennifer Nash: Yes. Thank you so much. Lisa was jumping around every day doing something different throughout the session. It was, I guess that's normal but, man, it was stressful. Okay, so moving on to the director's report.

Jessica Kampfe: Oh thank you I will try to be as brief as I can be. Let me pull up my slide here. The agency has been bringing on a lot of new staff. Our new agency staff includes a new chief financial officer, a new facilities manager, a new communication specialist. Our compliance audit and performance unit has added two positions, one to the data team and a senior policy analyst. We are restarting our financial case management services project and we have hired a project manager. We're contracting with a new project manager to help in that respect. Additionally, our accounting unit has brought on a new pre-authorized expense staff person and is looking to hire for two new staff people. We're bringing on a lot of new agency staff right now. The main office in Salem, the main business services office in Salem has just undergone a significant renovation to create space for our new [Inaudible 02:01:58] valley trial lawyers. We are going through a remodel which is just about done.

We will now have space for both the business services and the trial lawyers in that office. We also created a large conference room so we'll have space for commission meetings in that office as well. We're working with our new communications specialists to increase our engagement with the provider community and with our staff. We were successful in sending out a legislative wrap-up summarizing House Bill 4002 as well as improving the quality of the information in our newsletters so that's been an improvement. We've just

relaunched our internal newsletter so that we can be more communicative with our staff as we're going through a lot of changes like adding new folks and renovating spaces. Our communication specialist has been really critical in our ability to improve the way that we're sharing information with people. We are experiencing significant delays in our pre-authorized expense and accounts payable processing time.

This is a huge deal because it touches basically every public defender. If they are not able to get the specialists that they need approved on a timely fashion and that those specialists are not able to get their bills paid on time, it's just hugely detrimental to the system. We have identified the issue and it really stems from a number of things. Our existing system for how we process this is antiquated and hugely labor-intensive. Because it's hugely labor-intensive, it's very susceptible to staffing shortages which we have experienced. We've experienced those staffing shortages for a couple of reasons. One, is sort of individual. We just have staff that have been out on extendedly due to unforeseen circumstances.

And then the other is systemic, that is we have grown the number of people that are doing public defense across. The state the commission has launched several initiatives that have been successful in increasing MAC and increasing the hourly providers but we have not made those infrastructure investments in the agency. So, we have the same number of people processing requests for pre-authorized expenses and accounts payable as we did before we added 20% of new capacity into the system. It really has pushed our existing system to a breaking point. We are very aware of the issue and are taking it incredibly seriously. We are hiring to try to fix the staffing issues on our end. We have added one new PAE staff person ready and are recruiting for two new positions. We also evaluating our existing system. Our management team is looking at the processes that we're using internally and seeing if there's an ability to streamline.

I believe that our internal auditor is also looking at our system for pre-authorized expenses. We're looking at ways that we can streamline the existing system and create efficiencies without increasing risk. We're trying to be more proactive in our communication strategy with providers to let them know that we're aware of the issue, what we're doing to address it. And then the other piece of what we're doing to address it is some prioritization. We have given priority to aid and assist requests for people who have sort of the most acute needs and trying to get those cases processed first. We're doing that as well and we've been communicative with the provider community about the steps that we're taking. We also started posting the information on our website so people don't have to wait for us to communicate to them.

They can go onto the website and look. We hope that with the new staff coming on that we're going to be able to get this under control in the next couple of months. Then our financial case management system project update — we have relaunched this project which is really exciting because we now have a dedicated project management staff that is working on this. They've reconvened our steering committee. They've also created focus groups to look at the different areas that this project is going to touch in terms of the financial side as well as the legal side. They are right now working on their report to the legislature which is due in May and will be in front of the commission in April for your review. I think that's it, for my Director Report.

Jasmine Wright: Thank you. Director Kampfe, will there be provider input this case management, the management system as it's being developed?

Jessica Kampfe: Thank you, Commissioner Wright. Yes. I believe that part of the project management process is to involve provider input. We had previous steering and governance committees so that did include commissioners as well as members of the provider community that worked on creating the original requirements for the system the last time we went through this process. That was valuable but it was also not well-executed by the agency in terms of really making good use of those folks' time. I think we may have burnt out some of the very kind people who volunteered their time to participate in that process previously.

They did add valuable insight and so we would look to get that information first from them. It is most important to the agency to stand up the financial management system piece of this before the case management system. As we move from the judicial branch of government to the executive branch of government, we are no longer going to be able to use the existing systems that we have in place for billing. We need to have a new system in place. We have extended the amount of time that the judicial system is going to support us to the end of the fiscal biennium but at that point in time we need to be fully functioning [Inaudible 02:08:23].

Jasmine Wright: Is there an aspirational goal that the agency has when they want this system online? I know you don't know when it's going to be there? But is there a goal when the agency is shooting for and say this is when we would like to have this online?

Jessica Kampfe: I am not prepared to answer that question right now but I will talk to our project managers about the timeline and provide that to you. I think it will likely be in the report that we're providing you for April and the project manager's timelines because that's what they do, right. They work back from the implementation date and all of the steps that need to be taken to get there.

Jasmine Wright: There's a lot of there's a lot of nervousness among rural Oregon practitioners about this the switch to an hourly model away from contract models and about the agency's ability to timely pay these practitioners. I think the transition into this program would soften that. Understanding when we're going to get there I think will get us to that point where we can get to a better comfort level.

Jessica Kampfe: Thank you. That is helpful feedback to have especially around the need to have engagement and conversation and let people know where we're at so that they can make plans for their own business processes. I had neglected to note in my report but wanted to state that with regard to the PAE, our teams are hosting office hours. So, April 9th from noon to 1:00 and April 23rd from 2:00 to 3:00 we'll be doing office hours for people on pre-authorized expenses. That is going to formally go out in our March 25th newsletter so people will get formal notice about that. And then the last thing I had in my director's report was confirming that our next commission meeting dates are April 17th, which will be a virtual commission meeting from 9:00 to 1:00. May 8th which will be virtual from 9:00 to 1:00. June 13th which will be in person and then from 9 to noon and July 24th which will be virtual from 9:00 to 1:00.

Susan Mandiberg: What was the July?

Jessica Kampfe: July 24th.

Susan Mandiberg: We had talked yesterday about meeting either more or longer meetings in order to meet the timeline for the strategic planning report. The times that you just announced don't take that into account. If we are going to be meeting more or longer meetings, as I said yesterday it would be good to know that sooner rather than later so we can get it on our calendars. Is there a plan for doing that?

Jennifer Nash: Director Kampfe and I can talk about that but frankly not until right before the April 17th meeting so we probably shouldn't plan for that to be longer because getting a little ahead of ourselves, I was going to kind of list what I think preview what going to happen in April. I can do that. Then I had some questions or some comments about Director Kampfe's report. On my list for things that we are going to need to talk about in April are just starting the discussion about increasing or extending the THIP program because if we talk about it in April... Well, we can vote on it in May because it's supposed to expire in June and we need to talk about that.

Jessica Kampfe: Chair Nash, you would need to discuss it and vote on it in April because it cannot be before [Inaudible 02:12:21] by April 22nd [Inaudible 02:12:23].

Jennifer Nash: Right. Sorry about that. So, we need to talk about that. We need to go over the bylaws and approve those. We need to approve all those legislative reports which are substantial. We need to go over the revised six-year plan and we need to elect a vice chair. I'm soliciting... I have one person who said that they would like to do it and I'm very happy with the person who's said they'd like to do it, Rob. But if somebody else is interested I want to leave it open for other people to put their hat in the ring too. [Inaudible 02:13:00] But we do need to take care of that. I do think we probably need more time because we have the usual things we need to talk about in April as well.

Jessica Kampfe: And, Chair Nash, the other action item that I would anticipate in April is any other e-board request. We talked about this agency is looking for what opportunities exist in the procurement staff if we end up [Inaudible 02:13:27].

Jennifer Nash: Well, judging by what happened today, and we won't have a two-hour panel presentation but here we are at 4-essentially-30. We went from 9 to 4:30 minus 2 hours. Puts us at 3:00-ish, 2:30. Why don't we just plan on 9:00 to 3:00 and hope we finish early with a break for lunch. I'm not going to make people sit there for six hours with no breaks. But let's plan on 9:00 to 3:00 with a break for lunch in the middle.

Jasmine Wright: On the 17th.

Jennifer Nash: On the 17th. Does that sound good to everybody?

Jennifer Parrish Taylor: So, [Inaudible 02:14:15] of April?

Jennifer Nash: Yes.

Sen. Floyd Prozanski: What was the date in May?

Jessica Kampfe: The date in May is May 8th. We'll be fairly quickly after your April meeting. I'm expecting the May 8th commission meeting to really focus on legislative concepts and PAC [Inaudible 02:14:34] concepts. And then June to be the date when the commission is moving policy option act direct into agency with regard to taking action on policy option...

[Crosstalk 02:14:47]

Jennifer Nash: I think that'll need to be longer because I anticipate because it's going to be an in-person meeting in [Inaudible 02:14:52], there's going to be a great deal of public comment about policy option packages and other things. I don't think 3 hours is...

[Crosstalk 02:15:02]

Jennifer Parrish Taylor: [Inaudible 02:15:03] hybrid?

Jennifer Nash: We can make on making that hybrid.

Jennifer Parrish Taylor: I can't. I have meetings.

Jennifer Nash: We can work on making that hybrid option available for the [Inaudible 02:15:13] meeting. I note that we traditionally end that meeting at noon because the it was paired with the Oregon Criminal Defense Lawyers Association's annual conference and that conference starts at 1:00 PM. We had traditionally stopped it at noon because a lot of people wanted to attend those.

[Crosstalk 02:15:36]

Jasmine Wright: I'll have to be...

[Crosstalk 02:15:39]

Jennifer Nash: We could start at 8:00.

Jessica Kampfe: Sure. We'll be there. We could do 8:00 to [Inaudible 02:15:44].

Jasmine Wright: I'll have several other committee expectations during the conference.

Jennifer Nash: Well, this will [Inaudible 02:15:53].

[Crosstalk 02:16:00]

Jennifer Nash: Okay, just a couple comments before we adjourn. One is just to kind of put this on the radar to piggyback a little bit on what Director Kampfe was saying about the financial case management system. That's the big risk for the commission and the agency is moving to the executive branch. There's been discussions with the legislature about that to kind of put that on everyone's radar. They have questions about where we are and what we're doing. We have regular reports about that because having... That's why the budget note got put in about the judicial department but if we don't have.. Continuing till June but if we don't have a financial case management system up and running and we've transition to the executive branch, without that additional support from OJD, we're going to have problems. We won't be able to pay anybody. That is right up there with the unrepresented persons crisis.

That's moved to the top of the agency priority list. And then the other thing I wanted to ask is for the agency to consider mitigation strategies. If we have not resolved the PAE issue by the time we come back to the commission in April, are there things that the commission do on a temporary basis or even a long-term basis where things like can investigators just know that they're going to have X number of hours so they can start working on a case? Can we develop some guidelines so situations like Mr. Brown's situation where a witness disappears doesn't have to happen because you can't get authorization to go to another county. Just consider it, can you workshop things that might be able to fix those sorts issues? I think would be helpful. All right, is there anything else before I...

Jennifer Parrish Taylor: The only thing I really would just stress again is I think having routine communication with providers will go a long way to toward I think building a relationship of trust. Say, "Hey, we know this is a terrible situation. We're doing our best this is where we're at." Just routinely updating folks so that folks aren't filling in that narrative with their own assumptions about what's happening.

Jennifer Nash: Yeah.

Rob Harris: I agree with that. The other thing I think in addition to that is I think rather than just explaining, "Hey, we're [Inaudible 02:18:39]." Actually say, "I'm really sorry." Showing the empathy not just, "That's just the way it is." I'm sure that happens most of the time.

Jennifer Nash: This goes back to what we talked about either yesterday, I think yesterday about the newsletters only go out to the contract administrators or who's ever on the list. They only go out to it. If you're not on the mailing list, how do we, we lawyers, how do lawyers get information about why their approvals aren't going through? I don't know the answer. But we have to figure out a way to get information out to more people.

Jessica Kampfe: That's the big challenge was with the PAE because actually a lot of the folks that use PAE are not contracted at all, right. It's investigators and psychologists, it's all of our vendors. We did ask Shaun McCrea if she would share on our behalf. It's not a good long-term strategy but that was part of the...one of the tools we used. That is an OCDLA listserv that reaches a broader spot of folks than our newsletter does to try to get the information out to more people but we do need to come up with better ways to reach wider audiences.

Jennifer Parrish Taylor: Or can you go to the employers and say, "Hey, can you share this out with your employees?"

Jessica Kampfe: Not everybody's got employers.

Jennifer Parrish Taylor: But I mean, I would think that that pool is still going to be potentially larger than who subscribed to the newsletter.

Sen. Floyd Prozanski: Why couldn't we have OCDLA send something out a week or something to them saying, "Sign up for our newsletter." Let them...

Susan Mandiberg: Or is there a way to post a newsletter on the website?

Jessica Kampfe: There's a way to post the newsletter on our website but our website could use a makeover. It is not the most user friendly.

Susan Mandiberg: But in addition to not being the user friendly, it's was there if it will be accessible when it becomes user friendly.

Jessica Kampfe: Yes, that's true. I think it's a yes/and, right.

Rob Harris: You could create an email list of your own and you have the list of all the people who do contract work and their employees they're all listed. It's listed in the back of the OCDLA book. They're all listed. That's probably a little out of date because it could be several months out of date. I'd put Excel spreadsheets with people's emails and just did a blast MailChimp sort of. I don't have the resources of the state but I mean, it could be done. I'm not saying you should do it but it could be done.

Jennifer Nash: Okay. Does anyone oppose me adjourning? Okay, thank you. Thank you, everybody. Thank you staff, thank you commissioners. Thank you [Inaudible 02:21:37].